

HOARDING – TOOLS FOR ABATEMENT

I. Statutory authority – Abatement of health problems

A. Wis. Stat. §173 – Humane Officers

1. Humane officer investigates violations of statutes and ordinances relating to animals.
 - a. May execute inspection warrants under Wis. Stat. §66.0119 and Wis. Stat. §173.07(2) – See also Wis. Stat. 173.09 – Humane officer may enter buildings but can only enter private buildings with consent of the owner unless under authority of special inspection warrant.
 - b. Wis. Stat. §173.10 – If investigating cruelty complaint, humane officer or law enforcement officer can seek warrant under Wis. Stat. §968.12 – warrant specifically allows for officer to retain in officer's custody property or things, including any animal. Law enforcement officer is either accompanied by veterinarian or by humane officer.
 - 1) Must be violation of Wis. Stat. §951
 - Wis. Stat. §951.01(2) defines “cruel” as causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
 - Wis. Stat. §951.02 Mistreating Animals – no person may treat any animal belonging to the person or another in a cruel manner.
 - Wis. Stat. §951.13 - a person owning or responsible for confining or impounding any animal fails to supply the animal with a sufficient supply of food and water.
 - c. In most cases involving large numbers of animals hoarded within a home which creates a health hazard, it is likely that the animals are not provided with proper food or drink and, in most cases, the animals have been mistreated and treated in a cruel manner.
2. Humane officer – Authority to abate violations by serving order of abatement – See Wis. Stat. §173.11

- a. Abatement order must describe appeal processes, which include ultimate possibility of judicial review.
 3. Taking custody of animals – Humane officer has authority to take animals into custody under a wide range of circumstances, including an animal mistreated in violation of Chapter 951 – See Wis. Stat. §173.13(1)(a)8.
 4. Political subdivisions may withhold an animal in custody from an owner for cause, which includes reasonable grounds to believe that the owner has mistreated the animal in violation of Ch. 951 – See Wis. Stat. §173.21.
- B. Local health department can proceed pursuant to Wis. Stat. §254.55 – §254.595 to abate a human health hazard.
1. Health hazard includes housing that is dilapidated, unsafe or unsanitary – Wis. Stat. §254.593
 2. Local health officer shall order abatement or removal of a human health hazard on private premises and if the owner or occupant fails to abate the hazard within a reasonable time period, local health officer may enter upon the premises and abate or remove the health hazard - See Wis. Stat. §254.59(1).
 - a. Statute also provides that cost of abatement can be recovered from the person and may be paid by the treasurer and placed as a special tax upon the owner's property – See Wis. Stat. §254.59(2).
 - b. Contact municipal attorney regarding procedure – initiate court action to seek order to abate or be found in contempt?
 3. Health officer designates/placards property as unfit for habitation. Resident(s) only allowed to return upon abatement of hazard.
 4. Refer to local ordinance for specific provisions for abatement of human health hazards.